

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
JUNE 28, 2011
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Mayor Wasserman led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Wieckowski, Harrison, and Chan.

1.4 Announcements by Mayor/City Manager – None.

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra.
Noes:	None
Absent:	None
Abstain:	None

- * **2.2 Approval of Minutes**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council approved the minutes for the Regular Meetings of October 19, 2010 and November 2, 2010, for the Special and Regular Meetings of November 16, 2010, for the Regular Meetings of November 23, 2010 and December 7, 2010, for the Special and Regular Meetings of December 14, 2010, for the Special Meeting of December 16, 2010, for the Regular Meeting of February 8, 2011, for the Special and Regular Meetings of February 22, 2011, for the Regular Meeting of March 8, 2011, for the Special and Regular Meetings of June 14, 2011, and the Special and Regular Meetings of June 21, 2011

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison and Dutra
Noes:	None

Absent: None
Abstain: None

- * **2.3 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning Property located along Niles Boulevard designated as APN 507-0828-005-00 and APN 507-0828-006-00 from Community Commercial District, Historic Overlay District (C-C) (HOD) to Planned District Historic Overlay District (P-2011-232) (HOD)**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council adopted Ordinance No. 06-2011.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra.
Noes: None
Absent: None
Abstain: None

- * **2.4 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont amending the Precise Plan for P-District 2009-9 from Property Located at 3651 Walnut Avenue.**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council adopted Ordinance No. 07-2011.

Ayes: Mayor Wasserman, Vice Mayor Chan
Councilmembers: Natarajan and Harrison
Noes: None
Absent: None
Abstain: Councilmember Dutra due to a conflict of interest

- * **2.5 Mayor Wasserman opened consideration of Approval of Final Map for Tract 8001, Improvement Agreements for Public Streets (Blacow Road and Fremont Boulevard) and Construction of Private Streets (Borgo Common, Cerchio Terrace, Strada Commons, Vicolo Terrace), and Dedication of Land and Public Easements for Tract 8001.**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council adopted Resolution No. 2011-39:

1. Approving the Final Map for Tract 8001.
2. Approving the Agreement for Public Improvements entitled, "Public Improvement Agreement, Tract 8001", with the developer, Lunare Development LLC., a California limited liability company, and authorizing the City Manager or his designee to execute the agreement on behalf of the City.
3. Approving the Agreement for Private Improvements entitled, "Private Improvement Agreement, Tract 8001", with the developer, Lunare Development LLC., a California

- limited liability company, and authorizing the City Manager or his designee to execute the agreement on behalf of the City.
4. Accepting the developer's offer of dedication of easements, as identified on the Final Map, provided that the acceptance of the offer of dedication of easements for public roadway purposes shall be conditioned upon the developer's completion of improvements to the satisfaction of the City Engineer.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Wieckowski, Harrison and Chan.

Noes: None

Absent: None

Abstain: None

*** 2.6 Mayor Wasserman opened consideration of Approval of Plans and Specifications, Appropriation of Funding and Award of Contract to the Lowest Responsible Bidder for the Phase I – Beacon Avenue, California Street and Walnut Avenue Project No. 8749 (PWC).**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Approved the plans and specifications for Phase I - Beacon Avenue, California Street and Walnut Avenue Project No. 8749 (PWC).
2. Accepted the bid and awarded the construction contract for Phase I – Beacon Avenue, California Street and Walnut Avenue Project No. 8749 (PWC) to the lowest responsible bidder, Stoloski and Gonzalez, Inc., in the amount of \$651,645.50 and authorized the City Manager to execute the contract.
3. Appropriated the STP/CMAQ funding approved by MTC in the amount of \$593,316.40 to 522PWC8749 - Phase I - Beacon Avenue, California Street and Walnut Avenue Project No. 8749 (PWC).
4. Appropriated \$175,000 (from Urban Housing Group) to 502PWC8749 as the 20% local match.

Ayes: Mayor Wasserman, Vice Mayor Chan
Councilmembers: Natarajan, Harrison and Dutra.

Noes: None

Absent: None

Abstain: None

*** 2.7 Mayor Wasserman opened consideration of Approval of Plans and Specifications and Award of Contract to Lowest Responsible Bidder for 2011 Slurry Seal, 8240-C (PWC).**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Approved the plans and specifications for Slurry Seal 2011, 8240-C (PWC).

2. Accepted the base bid amount and Bid Alternate Nos. 1 and 2 and awarded the construction contract for the 2011 Slurry Seal Project, 8240-C (PWC) to the lowest responsive and responsible bidder, Bond Blacktop, Inc., in the amount of \$795,556.00 and authorized the City Manager or his designee to execute the contract.

Ayes: Mayor Wasserman, Vice Mayor Chan
Councilmembers: Natarajan, Harrison and Dutra.
Noes: None
Absent: None
Abstain: None

*** 2.8 Mayor Wasserman opened consideration of Authorization for the City Manager or Designee to Execute a Contract for the Purchase and Delivery of Gasoline and Diesel Fuel to City Fuel Sites.**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council authorized the City Manager or designee to execute a contract with Falcon Fuels, Inc., to be the City's primary vendor for the purchase and delivery of a minimum of 200,000 gallons of fuel for a one-year term and to renew the contract for up to two one-year terms, in accordance with Bid. No. 12-004.

Ayes: Mayor Wasserman, Vice Mayor Chan
Councilmembers: Natarajan, Harrison and Dutra.
Noes: None
Absent: None
Abstain: None

*** 2.9 Mayor Wasserman opened consideration of Adoption of a Resolution Authorizing Submittal of a Workplan for the FY 2011/12 Measure B Paratransit Program to the Alameda County Transportation Commission (Alameda CTC).**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council adopted Resolution No. 2011-40:

1. Authorizing submittal of the City's application to the Alameda CTC for paratransit funding under Measure B.
2. Authorizing the City Manager or his designee to notify the Alameda CTC that the City is allocating all Measure B paratransit revenues to the City's non-mandated paratransit program.

Ayes: Mayor Wasserman, Vice Mayor Chan
Councilmembers: Natarajan, Harrison and Dutra.
Noes: None
Absent: None
Abstain: None

- * **2.10 Mayor Wasserman opened consideration of Authorization for the City Manager or Designee to Enter into a Contract with CompuCom Systems, Inc., for Microsoft Office 2010 and Windows 7 Software Licenses and to Execute any Implementing Documents and take any Implementing Actions as Necessary.**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council authorized the City Manager or designee to enter into a contract with CompuCom Systems, Inc., for the licensing of Microsoft software in an amount not-to-exceed \$428,197.44 for a three-year period, with an annual allocation of \$142,732.48; to add 81 Windows 7 licenses to the existing contract with CompuCom at a cost of \$11,540.07; and to authorize the expenditure of an additional amount not-to-exceed \$25,000 per year to maintain software licensing compliance; subject to adoption of the applicable budget in subsequent fiscal years; and to execute any implementing documents and take any implementing actions as necessary.

Ayes: Mayor Wasserman, Vice Mayor Chan
Councilmembers: Natarajan, Harrison and Dutra.
Noes: None
Absent: None
Abstain: None

- * **2.11 Mayor Wasserman opened consideration of Introduction of an Ordinance to Reduce the Number of Regular City Council Meetings from Four Meetings per Month to Three Meetings per Month.**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council introduced an ordinance amending Fremont Municipal Code, Sections 2-1100 and 2-1101.1 to adopt a new permanent schedule for scheduling regular meetings of the City Council to be held on the first, second and third Tuesdays of each month.

Ayes: Mayor Wasserman, Vice Mayor Chan
Councilmembers: Natarajan, Harrison and Dutra.
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

3.1 Resolution: Honoring Police Officer Mike Laing for Thirty Years of Service

3.2 Resolution: Honoring Police Officer John Rosette for Thirty Years of Service

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

Rohan Chandra expressed appreciation for recognition by the City Council for being the national winner in the Scholastics Media Be Big in Your Community contest.

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration of review of a report and Planning Commission recommendations regarding possible Amendments to Provisions of the Affordable Housing Ordinance (Article 21.7 of Title VII, Chapter 2 of the Fremont Municipal Code) relating to Timing and Implementation Standards for Affordable Housing Requirements and Alternative Affordable Housing Plans.

Senior Planner Kelly Diekmann summarized issues for consideration of review, Planning Commission recommendations and staff recommendations. Mayor Wasserman opened the item for public comment. Mark Robson advocated for amendments to the proposed ordinance to allow for greater flexibility and opportunities for lower income housing than what is currently being proposed. Nina Moore (Fremont Chamber of Commerce) expressed support for retaining the goal of the ordinance which is to generate additional affordable housing at the low and very low income levels. There were no other speakers. Mayor Wasserman closed public comment. Staff responded to questions from Councilmembers. Councilmembers provided comment and direction to staff regarding evaluation of alternatives to on-site construction or payment of the in lieu fee.

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council:

1. Endorsed modifying the timeline for amending an approved affordable housing plan to allow changes up until certificate of occupancy.
2. Endorsed modifying the timing requirement of providing affordable housing units to allow for in lieu fee as security for completing the affordable housing plan prior to issuance of certificates of occupancy, rather than acquisition prior to issuance of building permits. The timing requirement should include milestones for completing the affordable housing plan and when forfeiture of the security will occur to provide certainty to the City. Ideas for posting a security include the model of a performance bond, a phasing plan similar to Central Park South, etc. New off-site affordable units do not need to come online in a rigid 1 affordable unit for 7 market rate unit ratio.

3. Modify Alternative D to allow for purchase of any “short sale” property, whether occupied or vacant.
4. Endorsed preparation by staff (based on input from the Commission and Council) of more detailed guidance in the Ordinance for evaluating alternative Affordable Housing Plan proposals.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra.
Noes: None
Absent: None
Abstain: None

7.2 Mayor Wasserman opened consideration of Approval of the Fiscal Year (FY) 2010/11 Signal Priority List and Allocate Funds Budgeted for Various Traffic Improvement Project for FY 2010/11 and FY 2011/12

Public Works Director Jim Pierson provided an overview of the staff report. Staff responded to questions from Councilmembers. There were no public speakers. Councilmembers provided comment.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Approved the FY 2010/11 Signal Priority List
2. Considered traffic calming options for Scott Creek Road and directed staff to return with creative options and funding sources.
3. Appropriated \$1,205,000 (\$840,000 from FY 2009/10 and FY 2010/11 and \$365,000 from FY 2011/12) from PWC 7953 account to the following projects:
 - a. \$875,000 of TIF funds to 531 PWC 8759 for Intersection Improvements at Blacow/Fremont, Blacow/Omar-Robin and Blacow/Boone.
 - b. \$300,000 of TIF funds to 531 PWC 8760 for Intersection Improvements at Fremont/Enea & Fremont/Paseo Padre.
 - c. \$30,000 of TIF funds to 531 PWC 8458 for the FY 2012/13 signal priority list and traffic improvement program preparation.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan, Harrison and Dutra.
Noes: None
Absent: None
Abstain: None

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals – None.

8.2 Oral Reports on Meetings and Events – None.

- 9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 9:05 p.m.

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor